IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34082 of 2006(G)

PETITIONER:

M.K.RADHAKRISHNAN,
SREESHYLAM, ULLOOR, AKKULAM ROAD,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR

RESPONDENTS:

1.CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, PALAYAM, THIRUVANANTHAPURAM.

2.THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM,
CORPORATION OFFICE, PALAYAM,
THIRUVANANTHAPURAM.

3.SHAJI T. DAS,
PROPRIETOR, NISHA MARGIN FREE BUILDING MATERIALS,
ULLOOR, AKKULAM ROAD, THIRUVANANTHAPURAM.

R1-R2 BY ADV.MR.N.NANDAKUMARA MENON, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.34082 of 2006

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Dated: 21st December, 2006

JUDGMENT

Mr.N.Nandakumara Menon, Standing Counsel takes notice on behalf of the Trivandrum Corporation.

2. In the nature of the order which is being passed hereunder, I am of the view that notice need not be issued to the third respondent. The grievance of the petitioner is that the third respondent is conducting business illegally in the petitioner's neighbourhood and that the Corporation is not taking any action in spite of Ext.P1 representation.

3. Having regard to the grounds raised and the submissions of Mr.P.Gopalakrishnan Nair, learned counsel for the petitioner and Mr.N.Nandakumara Menon, learned Standing Counsel for the Trivanndrum Corporation, this Writ Petition will stand disposed of with the following directions:

The Secretary of the 1st respondent-Corporation will immediately take up Ext.P1, have a local inspection of the premises in question through the concerned Health Officer, issue notice to the third respondent and receive his objections, hear the petitioner as well as the third respondent and take a just and correct decision on

Ext.P1. The Secretary of the Corporation will ensure compliance of all the above directions at the earliest and at any rate within one month of receiving a copy of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**